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GANZERLA & ASSOCIATES, INC. dba
14 PEAKFRESH USA

15 UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 TRANSFRESH CORPORATION, a Delaware
corporation,

18 Plaintiff,

19 v.
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21 GANZERLA & ASSOCIATES, INC., a
California corporation, also doing business as
22 PEAKFRESH USA,

23 Defendant.

Case No. C 11-06348 JCS

**STIPULATION OF DISMISSAL OF
COMPLAINT AND COUNTERCLAIM
ON CONSENT**

24 FRESH EXPRESS INCORPORATED, Plaintiff, having filed its Complaint in this action, and
25 GANZERLA & ASSOCIATES, INC., a California corporation, also doing business as PEAKFRESH
26 USA, Defendant, having filed its Answer and Counterclaim, and Plaintiff having responded to the
27 Counterclaim, and the parties having settled their differences and having consented to the entry of this
28 Stipulation of Dismissal on Consent;

1 NOW, THEREFORE, before any testimony has been taken and without any trial or
2 adjudication of any issue of fact or law, and without any admission by any party hereto with respect to
3 any legal or factual matter at issue;

4 IT IS HEREBY STIPULATED between the parties as follows:

5 1. Through their attorneys, the parties have consented to the entry of this Stipulation of
6 Dismissal of Complaint and Counterclaim on Consent; and

7 2. Through their attorneys, the parties stipulate that the claims made in this Complaint and
8 Counterclaim shall be dismissed with prejudice.

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11 Dated: November 16, 2012

Respectfully submitted,

PERRY IP GROUP A.L.C

14 /S/

E. Lynn Perry

15 Attorneys for Plaintiff
16 TRANSFRESH CORPORATION

17 Dated: November 16, 2012

BREMER WHYTE BROWN &
O'MEARA LLP

19 /S/

Michael Shen

20 Attorneys for Defendants
21 GANZERLA & ASSOCIATES, INC. dba
22 PEAKFRESH USA
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DRAFT ORDER

Upon the Complaint and Counterclaim, and all papers and proceedings heretofore had herein, and upon the preceding Consent and Stipulation, there having been no adjudication upon the merits, it is hereby

ORDERED that the Complaint and Counterclaim in this action be dismissed with prejudice, and the parties shall each bear their respective fees and costs.

Date: 11/19/12

Joseph C. Spero
United States Magistrate Judge

